

UNITED STATES OF AMERICA )

v. )

Manning, Bradley E. )  
PFC, U.S. Army, )  
HHC, U.S. Army Garrison, )  
Joint Base Myer-Henderson Hall )  
Fort Myer, Virginia 22211 )

**STIPULATION OF  
EXPECTED TESTIMONY**

**Mr. James Fung**

**DATED: 7 June 2013**

It is hereby agreed by the Accused, Defense Counsel, and Trial Counsel, that if Mr. James Fung were present to testify during the merits and pre-sentencing phases of this court-martial, he would testify substantially as follows:

1. I currently work as the supervisor of the Cyber Security Operations Group at Brookhaven National Laboratory (BNL) in Upton, New York. This Group is responsible for the security posture of BNL and is constituted by one physical site where multiple BNL departments' IT directorates centralize their security operations. As supervisor, I oversee the daily operations of this Group. These operations include intrusion detection, audit log collections, and Cyber Security Incident Response Team (CSIRT) activities. Audit log collection entails collecting electronic audit logs, which track the time/date and user activities of individuals using BNL computers. These logs are used to analyze the BNL system for security vulnerabilities and also to secure data regarding suspected security violations. The CSIRT team is responsible for detecting, responding to, and investigating cyber security violations as well as pursuing allegations of fraud, waste, and abuse. In its work, we collaborate with the BNL human resources department, on-site security, and law enforcement. I have held my supervisory position for six years. I have a Bachelors degree in IT Management and am certified as a Forensic Analyst by the computer security professional association Global Information Assurance Certification (GIAC).

2. I first became involved in this case after CSIRT members, whom I supervise, alerted me that the desktop work station computer of a BNL employee identified as Mr. Jason Katz had been used contrary to BNL policy. To investigate this suspected misuse, two members of the CISRT team collected Mr. Katz's BNL desktop computer. Based on BNL's report to federal law enforcement officials, investigators in the present case against PFC Manning became interested in the contents of the BNL desktop computer assigned to Mr. Katz, which my team collected. No rationale for this interest was communicated to me.

3. Mr. Katz worked as a Systems Administrator for the Physics Department at BNL. He was hired as a Junior Systems Administrator, and was employed from February of 2009 until March of 2010. His primary responsibilities were to help maintain the computers that processed data for our Relativistic Heavy Ion Collider (RHIC) as well as the ATLAS Computing facility (RACF). As BNL has the capacity to process large amounts of data through our super computer systems, Mr. Katz was further responsible for helping to manage the queue of jobs submitted from institutions throughout the world, who seek BNL's assistance in processing large amounts of data. For example, research universities send large amounts of research data to us, as our facility can process data with the power of five hundred computers.

4. Our CSIRT team became suspicious of Mr. Katz when his desktop computer was removed from our BNL network. This happens automatically when our system detects that the BNL computer attached to this account is used in a way that violates BNL user agreements. When a machine is blocked or disconnected from our BNL network, it is no longer usable – including for work purposes. Mr. Katz approached our office to have his desktop reconnected to the network—alleging that he had been kicked off after accidentally clicking a prohibited link in an email on his personal account. Following this explanation, we reconnected his computer to the network. However, upon considering the matter further, I decided this was unlikely given the activity detected. Accordingly, I notified our Laboratory Protective Division (LPD), legal department, and human resources office of the suspicious activity and initiated an investigation. Subsequently, an armed LPD officer was dispatched to Mr. Katz’s office. I further dispatched two members of my CSIRT team to respond. Mr. Withers was part of the CSIRT team. He was the team member to first identify the suspicious activity associated with Mr. Katz’s BNL desktop computer. Further, given Mr. Withers prior BNL work in the same section as Mr. Katz, I considered Mr. Withers knowledgeable about Mr. Katz’s official duty position. After collecting Mr. Katz’s computer, Mr. Withers delivered the machine to our secure forensic laboratory to be forensically imaged by Mr. McManus.

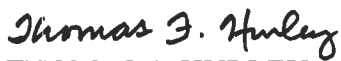
6. Access to our forensic laboratory is secured by access key card. Only members of our Cyber Security Group have this access. Further, the lab contains a safe used to house evidence securely. This safe can only be accessed when a key and pass code are used in conjunction. Only two people hold this key – myself and a colleague, who is also a member of the Cyber Security Group. Only members of the Cyber Security Group have pass codes to the safe.

7. Later my team searched the forensic image created by Mr. McManus. Our search revealed the presence of password cracking programs, which are commonly used to break file passwords. To the best of my knowledge, there is no reason Mr. Katz would need these programs for work purposes. I later confirmed this understanding with Mr. Katz’s then-supervisor Mr. Chan. I do not recall seeing anything related to WikiLeaks on Mr. Katz’s computer. This would have been before I had heard of WikiLeaks, so I do not know if I would remember it if I did.

8. At no point during the detection of suspicious activity or the ensuing investigation and examination did I alter Mr. Katz’s BNL computer, its hard drive, its other components, or its contents in any way. Furthermore, I never altered any forensic image made from this computer in any way. At no point did I observe anyone alter the computer, its hard drive, its other components, or its contents in any way. Likewise, I have no reason to believe the evidence was damaged or contaminated in any way.



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